

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et. al.*,

Plaintiffs,

v.

DONALD TRUMP, *et. al.*,

Defendants,

No. 1:17-CV-5228

Declaration of Tom K. Wong

I, Tom K. Wong, declare as follows:

1. My name is Tom K. Wong and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am an Associate Professor with tenure at the University of California, San Diego (UCSD). I work in the political science department, which is consistently ranked by U.S. News & World Report as one of the top ten political science departments nationally. I am also the Director of the International Migration Studies Program Minor at UCSD.
3. I am an expert on immigration politics and policy, which includes the Deferred Action for Childhood Arrivals (DACA) policy. I have written two peer-reviewed books and several peer-reviewed journal articles, book chapters, and reports on these subjects. My most recent book analyzes 31,193 roll call votes on immigration-related legislation in the U.S. Congress from 2005 to present, which makes it the most comprehensive analysis to date on the contemporary politics of immigration in the U.S. My most recent research on DACA is a national survey of 3,063 DACA recipients conducted in August 2017. This 2017 survey is in addition to two peer-reviewed journal articles on DACA (*International Migration Review* and *Journal on Migration and Human Security*), one book-length monograph (supported by a grant from the U.S. Department of Homeland Security [DHS]), and three other reports based on national surveys that I have conducted of DACA recipients.
4. I received a Ph.D. in political science at the end of the 2010-2011 academic year. I was

1 a post-doctoral research fellow during the 2011-2012 academic year. I joined the
 2 political science department at UCSD during the 2012-2013 academic year. I served as
 3 an advisor to the White House Initiative on Asian Americans and Pacific Islanders
 4 (WHIAAPI) during the 2015-2016 academic year, where I worked on the immigration
 5 portfolio.
 6

- 7 5. I have attached a true and complete copy of my curriculum vitae as Exhibit A to this
 8 Declaration.
 9

10 **DACA**

- 11 6. Since it was first announced on June 15, 2012, the Deferred Action for Childhood
 12 Arrivals policy has provided temporary relief from deportation as well as work
 13 authorization to 787,580 people.¹
 14

15 **2017 National Survey of DACA Recipients**

- 16
 17 7. From August 1, 2017 to August 20, 2017, I conducted a national online survey of
 18 DACA recipients. The resulting survey is the largest study to date of DACA recipients
 19 with a sample size of 3,063 respondents in forty-six states plus the District of
 20 Colombia.
 21
 22 8. Methodologically, several steps were taken to account for the known sources of bias
 23

24
 25 ¹ Based on the most recent publicly available data from U.S. Citizenship and Immigration Services
 26 (USCIS) at the time of this writing, which is up March 31, 2017. USCIS provides quarterly reports on DACA.
 The next USCIS quarterly report, which will provide data up to June 30, 2017, is expected to be released
 sometime during September 2017. See: [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports and
 Studies/Immigration Forms Data/All Form Types/DACA/daca_performancedata_fy2017_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2017_qtr2.pdf)

1 that can result from online panels. To prevent ballot stuffing, meaning one person
2 submitting multiple responses, incentives were not given for each completed survey
3 that was submitted. Moreover, a state-of-the-art online survey platform (Qualtrics),
4 which can be programmed to prevent one IP address from submitting multiple
5 responses, was used. To prevent spoiled ballots, meaning people who responded to the
6 survey who are not undocumented, I used a unique validation test for undocumented
7 status. Multiple questions were asked about each respondent's migratory history. These
8 questions were asked during different parts of the survey. When a question was
9 repeated, it was posed using different wording. For example, "How old were you when
10 you first came to the U.S.?" and, "In what year did you first come to the U.S.?" (current
11 age was used to tether these answers). If there was agreement in the answers, meaning
12 there was consistency regarding the respondent's migratory history, the respondent was
13 kept in the resulting sample. If there were inconsistencies, the respondent was
14 excluded. Also, Facebook ads were used to improve the geographic representativeness
15 of the resulting sample, as well as to recruit respondents who are outside of the
16 networks of the organizations that conducted outreach for the survey. Because there is
17 no directory of undocumented immigrants from which to randomly sample from,
18 researchers need to partner with organizations that interact with undocumented
19 immigrants to conduct such surveys. The outreach partners were United We Dream
20 (UWD), the National Immigration Law Center (NILC), and the Center for American
21 Progress (CAP). Given the nature of online opt-in surveys, it is not possible to construct
22 a valid margin of error.
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9. Evaluating representativeness and reweighting the sample requires current and complete data on the characteristics of DACA recipients. The only publicly available data that is current and complete is their geographic breakdown at the state level. These data are made publicly available by USCIS. USCIS also provides publicly available data on the country of birth of DACA recipients but these data are incomplete.² Thus, a two-sample Kolmogorov-Smirnov test of equality of distributions shows that the state-by-state breakdown of the sample is representative of the state-by-state breakdown of all DACA recipients ($p = .504$).³

DACA Improves the Economic Integration of Recipients

10. DACA has been critical in improving the economic integration of DACA recipients.

11. Regarding employment, 91% of DACA recipients are currently employed. Among those 25 years and older, this percentage climbs to 93%.

12. Moreover, after receiving DACA:

- a. 54% got their first job;
- b. 69% got a job with better pay;
- c. 54% got a job that better fits their education and training;
- d. 54% got a job that better fits their long-term career goals;

² USCIS only lists the top twenty-five countries of birth, and one of these is “unknown.” USCIS has analyzed the demographic characteristics of DACA recipients, but this analysis was based on data on DACA approvals from August 2012 to September 2013. See: <https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/USCIS-DACA-Characteristics-Data-2014-7-10.pdf>

³ That is, there is no evidence to suggest that the distribution of survey respondents by state and the actual number of DACA recipients by state is statistically significantly different. Moreover, analyzing and comparing the unweighted and weighted results show that the findings are substantively similar throughout.

- e. 57% got a job with health insurance or other benefits;
- f. 56% got a job with improved work conditions; and
- g. 5% started their own businesses.

Table 1 summarizes these results. The column “≥ 25” reports the results for respondents 25 years and older.

			≥ 25
	Got my first job	54.2%	35.3%
	Got a job with better pay	68.5%	77.7%
	Got a job that better fits my education and training	54.2%	59.6%
	Got a job that better fits my long-term career goals	53.9%	61.4%
	Got a job with health insurance or other benefits	57.3%	66.9%
	Got a job with improved work conditions	56.2%	64.4%
	Started my own business	5.4%	7.9%

Note: percentages do not sum to 100 as individuals may select all that apply. $n = 1,662$ for all respondents 25 years and older.

13. Regarding earnings, the data make clear that DACA is having a positive and significant effect on wages.

14. The average hourly wage of DACA recipients has increased by 69% since receiving DACA. Among those 25 years and older, the average hourly wage has increased by 81%.

15. The data also show that average annual earnings among DACA recipients is \$36,232. Among those 25 years and older, it is \$41,621.

16. Higher wages have meant greater financial independence and consumer purchasing power. For example:

- a. 69% reported, “I have been able to earn more money, which has helped me become financially independent”;

- b. 71% reported, “I have been able to earn more money, which has helped my family financially”;
- c. 65% purchased their first car after receiving DACA; and
- d. 16% purchased their first home after receiving DACA.

Table 2 summarizes these results. The column “ ≥ 25 ” reports the results for respondents 25 years and older.

			≥ 25
I have been able to earn more money, which has helped me			
become financially independent	69.0%	73.4%	
I have been able to earn more money, which has helped my			
family financially	70.8%	73.7%	
Bought my first car	64.5%	67.2%	
Bought a home	15.7%	23.5%	

Note: percentages do not sum to 100 as individuals may select all that apply. $n = 1,662$ for all respondents 25 years and older.

17. Higher wages are one indicator of the broader positive economic impact of DACA. For example, higher wages translate into more federal income taxes paid, more state incomes taxes paid, and more in Federal Insurance Contributions Act (FICA) contributions, which are mandatory payroll deductions for Social Security and Medicare. Moreover, large purchases such as cars add to state tax revenues, as most states collect a percentage of the car purchase in sales tax, along with additional registration and title fees. Similarly, home buying further adds to state and local tax revenues in the form of property taxes.⁴

⁴ There is a literature on how home buying creates new jobs and adds new spending in local economies. For job creation, see here: <https://www.nar.realtor/topics/home-ownership-matters/jobs-impact-of-an-existing-home-purchase>. For spending in local economies, see here: <https://www.cnn.com/2017/04/12/immigrant-households-impact-success-of-real-estate-market-says-report.html>

DACA Improves the Education of Recipients

18. Overall, 45% of DACA recipients are currently in school. Among those who are currently in school, 94% reported, “I pursued educational opportunities that I previously could not” because of DACA.

19. Among those in school, 72% are pursuing a bachelor’s degree or higher. The majors and specializations that DACA recipients are pursuing include accounting, biochemistry, business administration, chemical engineering, civil engineering, computer science, early childhood education, economics, environmental science, history, law, mathematics, mechanical engineering, neuroscience, physics, psychology, and social work, to name a few.

20. Regarding educational attainment, 36% of respondents 25 years and older have a bachelor’s degree or higher.

21. The education DACA recipients are receiving not only means a better prepared and competitive workforce, but DACA recipients are also being recognized by many of the top companies in the country. The data show that at least 72% of the top twenty-five Fortune 500 companies employ DACA recipients.

DACA and Normality in Day-to-Day Life

22. The data also show that DACA has provided recipients a degree of normality in their day-to-day lives. For example, after receiving DACA:

- a. 61% opened a bank account;

- b. 66% got their first credit card;
- c. 80% got a driver's license for the first time;
- d. 55% got a state identification card for the first time; and
- e. 49% became organ donors.

Table 3 summarizes these results. The column " ≥ 25 " reports the results for respondents 25 years and older.

		≥ 25
Opened a bank account	61.0%	47.3%
Got my first credit card	65.7%	67.9%
Got my driver's license for the first time	79.7%	80.4%
Got a state identification card for the first time	55.1%	51.1%
Became an organ donor	48.7%	49.8%

Note: percentages do not sum to 100 as individuals may select all that apply. $n = 1,662$ for all respondents 25 years and older.

DACA Recipients and American Citizen Family Members

23. A combined 73 percent of DACA recipients have either an American citizen sibling, spouse, or child:

- a. 59% have an American citizen sibling;
- b. 17% have an American citizen spouse; and
- c. 26% have an American citizen child.

Table 4 summarizes these results.

American citizen spouse	16.6%
American citizen child	25.7%
American citizen sibling	58.9%
American citizen spouse, child, or sibling	72.7%

Note: percentages do not sum to 100 as individuals may select all that apply.

Many Recipients Will Go Back “Into the Shadows” if DACA Ends

24. The data show that should DACA end, recipients will go back “into the shadows.” For example, if DACA ended 53% reported that they would be less likely to report a crime they witnessed; 47% reported that they would be less likely to report a crime even if they were the victim; 48% reported that they would be less likely to go to the hospital if they suffered an injury; and 60% reported that they would be less likely to report wage theft by their employer.
25. Moreover, 22% reported being “likely” or “very likely” to leave the country if DACA ends.

DACA Recipients by State

26. Below are examples of state-specific profiles of DACA recipients. Data from the survey are used to construct these profiles.

DACA Recipients in the State of California

27. As of March 31, 2017, there are 222,795 DACA recipients in the State of California.⁵

⁵ <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals>

28. Regarding employment and earnings:

- a. An estimated 203,635 DACA recipients in California are currently employed⁶;
- b. An estimated 12,031 DACA recipients in California are business owners⁷; and
- c. The State of California's DACA recipients earn an estimated \$7.4 billion annually.⁸

29. Regarding education:

- a. An estimated 100,035 DACA recipients in California are currently in school⁹; and
- b. An estimated 71,525 DACA recipients in California are currently pursuing a bachelor's degree or higher.¹⁰

30. Regarding American citizen family members:

- a. An estimated 161,972 DACA recipients in California have an American citizen sibling, spouse, or child¹¹;
- b. An estimated 131,226 DACA recipients in California have an American citizen sibling¹²;
- c. An estimated 36,984 DACA recipients in California have an American citizen spouse¹³; and
- d. An estimated 57,258 DACA recipients in California have an American citizen

⁶ 91.4% of 222,795.

⁷ 5.4% of 222,795.

⁸ 203,635 multiplied by \$36,231.91. This translates into \$457.4 million annually in Social Security contributions (6.2% per FICA) and \$106.9 million annually in Medicare contributions (1.45% per FICA).

⁹ 44.9% of 222,795.

¹⁰ 71.5% of 100,035.

¹¹ 72.7% of 222,795.

¹² 58.9% of 222,795.

¹³ 16.6% of 222,795.

child.¹⁴

DACA Recipients in the State of Massachusetts

31. As of March 31, 2017, there are 7,934 DACA recipients in the State of Massachusetts.¹⁵

32. Regarding employment and earnings:

- a. An estimated 7,252 DACA recipients in Massachusetts are currently employed¹⁶;
- b. An estimated 428 DACA recipients in Massachusetts are business owners¹⁷; and
- c. The State of Massachusetts's DACA recipients earn an estimated \$262.8 million annually.¹⁸

33. Regarding education:

- a. An estimated 3,562 DACA recipients in Massachusetts are currently in school¹⁹; and
- b. An estimated 2,547 DACA recipients in Massachusetts are currently pursuing a bachelor's degree or higher.²⁰

34. Regarding American citizen family members:

- a. An estimated 5,768 DACA recipients in Massachusetts have an American

¹⁴ 25.7% of 222,795.

¹⁵ <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals>

¹⁶ 91.4% of 7,934.

¹⁷ 5.4% of 7,934.

¹⁸ 7,252 multiplied by \$36,231.91. This translates into \$16.3 million annually in Social Security contributions (6.2% per FICA) and \$3.8 million annually in Medicare contributions (1.45% per FICA).

¹⁹ 44.9% of 7,934.

²⁰ 71.5% of 3,562.

citizen sibling, spouse, or child²¹;

b. An estimated 4,673 DACA recipients in Massachusetts have an American citizen sibling²²;

c. An estimated 1,317 DACA recipients in Massachusetts have an American citizen spouse²³; and

d. An estimated 2,039 DACA recipients in Massachusetts have an American citizen child.²⁴

DACA Recipients in the State of New York

35. As of March 31, 2017, there are 41,970 DACA recipients in the State of New York.²⁵

36. Regarding employment and earnings:

a. An estimated 38,361 DACA recipients in the State of New York are currently employed²⁶;

b. An estimated 2,266 DACA recipients in the State of New York are business owners²⁷; and

c. The State of New York's DACA recipients earn an estimated \$1.4 billion annually.²⁸

²¹ 72.7% of 7,934.

²² 58.9% of 7,934.

²³ 16.6% of 7,934.

²⁴ 25.7% of 7,934.

²⁵ <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals>

²⁶ 91.4% of 41,970.

²⁷ 5.4% of 41,970.

²⁸ 38,361 multiplied by \$36,231.91. This translates into \$86.2 million annually in Social Security contributions (6.2% per FICA) and \$20.2 million annually in Medicare contributions (1.45% per FICA).

37. Regarding education:

- a. An estimated 18,845 DACA recipients in the State of New York are currently in school²⁹; and
- b. An estimated 13,474 are currently pursuing a bachelor's degree or higher.³⁰

38. Regarding American citizen family members:

- a. An estimated 30,512 DACA recipients in the State of New York have an American citizen sibling, spouse, or child³¹;
- b. An estimated 24,720 DACA recipients in the State of New York have an American citizen sibling³²;
- c. An estimated 6,967 DACA recipients in the State of New York have an American citizen spouse³³; and
- d. An estimated 10,786 DACA recipients in the State of New York have an American citizen child.³⁴

DACA Recipients in the State of Washington

39. As of March 31, 2017, there are 17,843 DACA recipients in the State of Washington.³⁵

40. Regarding employment and earnings:

- a. An estimated 16,309 DACA recipients in the State of Washington are currently

²⁹ 44.9% of 41,970.

³⁰ 71.5% of 18,845.

³¹ 72.7% of 41,970.

³² 58.9% of 41,970.

³³ 16.6% of 41,970.

³⁴ 25.7% of 41,970.

³⁵ <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals>

employed³⁶;

b. An estimated 892 DACA recipients in the State of Washington are business owners³⁷; and

c. The State of Washington's DACA recipients earn an estimated \$590.9 million annually.³⁸

41. Regarding education:

a. An estimated 8,012 DACA recipients in the State of Washington are currently in school³⁹; and

b. An estimated 5,728 DACA recipients in the State of Washington are currently pursuing a bachelor's degree or higher.⁴⁰

42. Regarding American citizen family members:

a. An estimated 12,972 DACA recipients in the State of Washington have an American citizen sibling, spouse, or child⁴¹;

b. An estimated 10,510 DACA recipients in the State of Washington have an American citizen sibling⁴²;

c. An estimated 2,962 DACA recipients in the State of Washington have an American citizen spouse⁴³; and

d. An estimated 4,586 DACA recipients in the State of Washington have an

³⁶ 91.4% of 17,843.

³⁷ 5.4% of 17,843.

³⁸ 16,309 multiplied by \$36,231.91. This translates into \$36.6 million annually in Social Security contributions (6.2% per FICA) and \$8.6 million annually in Medicare contributions (1.45% per FICA).

³⁹ 44.9% of 17,843.

⁴⁰ 71.5% of 8,012.

⁴¹ 72.7% of 17,843.

⁴² 58.9% of 17,843.

⁴³ 16.6% of 17,843.

American citizen child.⁴⁴

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our knowledge.

Respectfully submitted,



Dr. Tom K. Wong

September 5, 2017

Date

⁴⁴ 25.7% of 17,843.